

Appln. No. 10/507,102
Amdt. dated December 18, 2007
Reply to Office action of September 18, 2007

REMARKS

Claims 1-5 are pending in the present application. The Office Action and cited references have been considered. Favorable reconsideration is respectfully requested.

Applicant has amended the specification to add headings and correct informalities. No new matter has been added.

Claims 4-5 were objected to as being in improper form. The claims have been amended to correct this informality. Withdrawal of this objection is respectfully requested.

Claim 1 was rejected under 35 U.S.C. § 112, second paragraph. Applicant has amended the claim to provide proper antecedent basis for the term "the caller" in paragraph 3. Withdrawal of this rejection is respectfully requested.

Claims 1-5 were rejected under 35 U.S.C. §103 as being unpatentable over Szlam (U.S. Patent No. 5,511,112) in view of Garcia (U.S. Patent No. 7,006,607). This rejection is respectfully traversed for the following reasons.

Claim 1 recites a method for operating a call center, wherein incoming external telephone calls by callers are automatically distributed to terminals to be answered by call center agents, comprising the process steps of connecting an external call to a free terminal of an agent, storing a message created by the agent concerning content of the call between the caller and the agent, automatically assigning the message to the existing connection, forwarding the call to a separate hold line, renewing connection of the held call to a free terminal of an agent, and playing the message assigned to the held connection at the agent's terminal in such a way that the message is audible only for the agent. This is not taught, disclosed or made obvious by the prior art of record.

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Szlam, which corresponds to the EP 0 515 068 patent cited and discussed in the amended page 2 of Applicant's specification, discloses a method for operating a call center, wherein incoming external telephone calls are automatically distributed to terminals to be answered by call center agents. If a waiting time of expected longer duration occurs for the agent, the agent can have the call handled automatically in the meantime. For this purpose the agent speaks the caller's name into a recording system. The spoken name is saved and used, together with an automated voice announcement for the caller, which is played for the caller when the call is put on hold (see col. 8, lines 42-48, which indicates that the message is played as soon as the call is put on hold as the caller is instructed to signal his/her presence on the line). The message recorded by the agent is thus intended to provide information to the caller when the call is put on hold, and not for the agents when the connection is renewed. If the caller desires a renewed personal consultation, a connection to a free terminal of an agent is again established. However, there is no suggestion that the stored message is played again at that time. Thus, this reference does not meet the claim limitation of "playing the message assigned to the held connection at the agent's terminal in such a way that the message is audible only for the agent" recited in claim 1.

The Office Action also asserts that Szlam discloses the automatic assignment of the message to the existing connection. Applicant respectfully disagrees. The stored message (the desired party's name/ is stored and immediately played back when the connected party is put on hold and told to signal his/her presence. Col. 8, line 45-48. There is no disclosure that the message is assigned to the existing connection as recited in claim 1; the message is played back seemingly immediately, so there is no need for it to be automatically assigned.

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Further, there is also no disclosure in either patent that the call is forwarded to a separate hold line, as recited in claim 1. Szlam discloses that the agent is transferred to another call (col. 8, lines 42-43). Though Szlam discloses placing the call on hold, there is no disclosure that it is placed on a separate hold line, as opposed to be placed back in the queue of new callers, for example.

The Office Action alleges that Garcia teaches elements missing from the disclosure of Szlam: that the message stored concerns the content of the call between the caller and the agent and that the playback of the message is at the subsequent agent's terminal. Applicant respectfully disagrees.

Garcia discloses a system by which an agent can prerecord information about *callers*, which can then be played back automatically when the system determines that the caller has called. This is most clearly set forth in claim 3, in column 14, lines 12-22. There is no disclosure in the patent that the message is concerns the content of the call between the caller and the agent. Therefore, even if the message is played back at the agent's terminal, the reference does not meet the deficiency that Szlam does not teach that the message stored concerns the content of the call.

The Office Action points to the passage in Garcia which states that "there are limitless possibilities", at col. 9, line 61. This statement is nothing more than a suggestion that someone reading the patent can try an infinite number of possibilities. Applicant respectfully submits that the solution provided by Applicant's claimed invention can only be seen as one of the "limitless possibilities" with impermissible hindsight reference to Applicant's disclosure.

For at least these reasons, Applicant respectfully submits that claim 1 is patentable over the prior art of record whether taken alone or in combination as proposed in the

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Office Action. Claims 2-5 depend from and include the recitations of claim 1. Applicant respectfully submits that claims 2-5 are patentable in and of themselves, and as they depend from claim 1, at least for the reasons discussed above with respect to claim 1.

In view of the above amendment and remarks, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections of record. Applicant submits that the application is in condition for allowance and early notice to the effect is most earnestly solicited.

If the Examiner has any questions, he is invited to contact the undersigned at 202-628-5197.

Respectfully submitted,

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